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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

In re:

ANTHONY S. LEVANDOWSKI,

Debtor.

ANTHONY S. LEVANDOWSKI, an  
individual,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.

Defendant.

Bankruptcy Case

No. 20-30242 (HLB)

Chapter 11

Hon. Hannah L. Blumenstiel

Adv. Pro. No. 20-03050 (HLB)

**MOTION TO REMOVE INCORRECTLY  
FILED DOCUMENT (DKT. 194-25);  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

1                    **NOTICE OF AND MOTION TO REMOVE INCORRECTLY FILED DOCUMENT**

2                    TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

3                    Plaintiff Anthony Levandowski respectfully submits this Motion to Remove Incorrectly Filed  
4 Document in connection with his Notice of Public Refiling of Documents, filed March 26, 2021. *See*  
5 Dkt. 190. Exhibit 66 to the Declaration of Hong-An Vu in Support of Motions for Partial Summary  
6 Judgment was inadvertently filed publicly. *See* Dkt. 194-25. Exhibit 66 is Mr. Levandowski's  
7 Objections and Responses to Uber's Second Set of Interrogatories, dated February 12, 2021. Exhibit  
8 66 was previously filed provisionally under seal by Mr. Levandowski in his Amended Omnibus  
9 Motion to Seal and Google indicated its intent to file a declaration in support of sealing Exhibit 66.  
10 *See* Dkts. 168; 126-14. Upon discovering the inadvertent filing, Mr. Levandowski immediately  
11 contacted the Court and filed this Motion. *See* Declaration of Hong-An Vu (Mar. 29, 2021), ¶¶ 6-7.

12                    Mr. Levandowski, therefore, requests this Court remove Exhibit 66 (Dkt. 194-25) from the  
13 public record pursuant to Bankruptcy Code Title 11 § 107, Rule 9018, and Local Rules 79-5 and 7-  
14 11.

15  
16 Dated: March 29, 2021

/s/ Hong-An Vu

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## I. BACKGROUND

On March 26, 2021, Mr. Levandowski inadvertently filed Exhibit 66 (Dkt. 194-25) in connection with his Notice of Public Refiling of Documents (Dkt 190). *See* Vu Decl., ¶ 5.

Mr. Levandowski respectfully requests that this Court remove inadvertently publicly filed Exhibit 66.

The Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules authorize the Court to restrict disclosure of confidential information if such restrictions protect the parties from potential harm. Bankruptcy Code § 107(b) provides that upon a parties' request to seal or redact information, "the bankruptcy court *shall*" issue any order to "protect an entity with respect to a trade secret or *confidential* research, development, or *commercial information*." 11 U.S.C. § 107(b)

(emphasis added). The Bankruptcy Rules similarly permit the Court to issue any orders that “justice requires,” including orders “to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information.” Fed. R. Bankr. P. 9018. In addition, the Bankruptcy Local Rules provide that “[n]o document may be filed under seal . . . except pursuant to a Court order that authorizes the sealing of the particular document or portions thereof.” Civil Local Rule 79-5 (which applies to this proceeding pursuant to Bankruptcy Local Rule 1001-2(a)).

Exhibit 66 is Mr. Levandowski’s Objections and Responses to Uber’s Second Set of Interrogatories, dated February 12, 2021. Exhibit 66 was previously filed provisionally under seal by Mr. Levandowski in his Amended Omnibus Motion to Seal. *See* Dkt. 168. There, Mr. Levandowski asked this court provisionally seal Exhibit 66 at Google’s request because it “contains details of the Chauffeur Bonus Plan, which Google considers to be highly confidential commercial information.” Dkt. 168 at 4. Mr. Levandowski indicated that Google intended to file a declaration supporting the sealing of that exhibit. *Id.* Google’s counsel reiterated its intent to file a declaration in support of sealing Exhibit 66 on a phone call on March 29. *See* Vu Decl., ¶ 6. Upon Google’s notice of the inadvertent filing, Mr. Levandowski immediately contacted the Court and filed this Motion. *See id.*, ¶¶ 6–7.

### III. CONCLUSION

For the foregoing reasons, Mr. Levandowski respectfully requests that the Court exercise its authority and remove inadvertently, publicly filed Exhibit 66 (Dkt. 194-25).

Dated: March 29, 2021

Respectfully submitted,

By: /s/ Hong-An Vu

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